



United States Attorney
District of Maryland

Justin S. Herring
Assistant United States Attorney
Justin.Herring@usdoj.gov

Suite 400
36 S. Charles Street
Baltimore, MD 21201-3119

DIRECT: 410-209-4995
MAIN: 410-209-4800
FAX: 410-962-0716

October 10, 2013

Arcangelo M. Tuminelli, Esquire
Law Office of Arcangelo M. Tuminelli
1005 N. Calvert St.
Baltimore, Md. 21202-3823

Re: Discovery Agreement
United States v. David Lawrence Handel
Criminal No. CCB-13-0313

Dear Mr. Tuminelli:

I write to set forth the conditions on which the Government is willing to make discovery in this case. Under Rule 16 of the Federal Rules of Criminal Procedure, discovery is to be given "upon request," and I understand that you do request discovery. Therefore, I also request discovery pursuant to Rule 16(b).

In anticipation of the signing of this agreement, I am disclosing the following bates stamped documents:

Bates Range	Description
L-0001-0013	Lab Reports
R-0001-0064	Investigative Reports
SS-0001-0016	Consents

The Government will provide discovery pursuant to and as defined in Rule 16 at a time to be mutually agreed upon, and will provide copies of those materials as well. Jencks material as defined in 18 U.S.C. § 3500, along with related *Giglio* material such as witness' plea agreements, criminal convictions and prior inconsistent statements, will be provided no later than one week before trial. *Brady* material which is not otherwise included in the Rule 16, *Jencks* or *Giglio* material referred to above will be provided if and when discovered. Jencks material is defined for purposes of this agreement in accordance with the specific provisions of 18 U.S.C. § 3500. Jencks material is given on agreement that reciprocal Rule 26.2 material will be provided by you at the same time I provide Jencks material.

The government agrees that at the same time that it provides Rule 16 material, it will provide notice of the existence of alleged other crimes, wrongs or acts committed by your client pursuant to Rule 404(b) of the Federal Rules of Evidence, along with copies of all physical and

documentary evidence believed by the government to fall within the ambit of Rule 404(b) which the government intends to introduce at trial in its case-in-chief. The government acknowledges its continuing duty to disclose Rule 404(b) evidence as it is recognized as such after the time period in which the government has provided Rule 16 material.

The government reserves the right to provide later notice of Rule 404(b) material if the government believes that disclosure of such information will pose a security risk to any witness. As to any such witness, the government will disclose all *Jencks* material and all Rule 404(b) evidence at the same time.

All discovery is provided on the condition that counsel will not give copies of this material to the client or to anyone outside counsel's office, absent prior approval of this office. Counsel may, of course, review this material with the client at any time or place.

Should counsel file any routine motion with the Court which seeks discovery pursuant to Rule 16 or *Brady*, then this discovery agreement will be void, and the Government is not bound by any of the provisions herein. Specifically, *Jencks* and *Giglio* material may not be provided until the first day of trial if the defendant should file such a motion.

Should counsel file any motion with the Court which seeks material under the *Jencks* Act, then this agreement is void and *Jencks* and *Giglio* material may not be provided until the first day of trial.

The Government may be providing, as a courtesy, material which is not discoverable under Rule 16, *Jencks*, *Giglio* or *Brady*. The fact that certain non-discoverable materials are provided in no way obligates the Government to provide all non-discoverable materials, and the fact that certain non-discoverable materials are provided should never be taken as a representation as to the existence or non-existence of any other non-discoverable materials.

Alvarez

Please indicate your consent to this discovery agreement by signing and returning to me a copy of this letter. I urge you to call or write me with any questions that arise, as we may be able to resolve any questions without the filing of motions and responses with the Court.

Very truly yours,

Rod J. Rosenstein
United States Attorney

By: Justin S. Herring
Justin S. Herring
Assistant United States Attorney

Accepted:

Arcangelo M. Tuminelli
Arcangelo M. Tuminelli, Esquire
Attorney for David Handel

10/11/13
Date

→ 12/1/13

10/11/13

William J. Hall